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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,387	08/31/2000	Mark R. Williams	253/232	2860

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EXAMINER

LE, DEBBIE M

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 05/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,387

Applicant(s)

WILLIAMS, MARK R.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/31/2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Drawings***

The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 6 as described in the specification. For example, placing a label, "Computer system", with elements 120 of Fig. 6, or "Player Unit", with element 100, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Berry et al (US 6,195,693).

As per claim 1, Berry teaches a system comprising
Receiving a media file and appending an identifier onto the media file (col. 10, lines 16-19).

As per claim 2, Berry teaches retrieving the identifier from a non-volatile memory (col. 7, lines 30).

As per claim 3, Berry teaches wherein the identifier identifies a player unit (col. 11, lines 5-7).

As per claim 4, Berry teaches storing the appended media file in a data storage (col. 7, lines 13-15, col. 10, lines 28-30).

As per claims 5-6, Berry teaches retrieving a message file and the media file and the message file arrive in a concatenated state (col. 8, lines 15-36, col. 9, lines 10-25, col. 10, lines 5-18).

As per claim 7, Berry teaches wherein the step of receiving a message file comprises receiving a message file selected from the group consisting of commercial messages or informational messages (col. 10, lines 38-52).

As per claims 8-10, Berry teaches wherein the step of receiving a media file comprises receiving an audio file, a video file, and a text file (col. 10, lines 38).

As per claim 11, Berry teaches

receiving a media file with a first identifier (col. 10, lines 18-20);

Comparing the first identifier with a second identifier (col. 10, lines 28-32);

Retrieving a message file and producing a message output from the message file if the first identifier does not correspond to the second identifier (col. 10, lines 32-38);

Producing a media output from the media file (col. 10, lines 38-42).

Claims 12-22 have the same limitations as to claims 2-10; therefore, they are rejected by the same subject matter.

As per claim 23, Berry teaches

A processor (fig. 1);

A non-volatile memory communicatively coupled to the processor (col. 7, line 30);

A first identifier stored on the non-volatile memory (col. 7, lines 11-15) wherein the first identifier uniquely identifies the player unit (col.10, lines 18-20);

A communication port communicatively coupled to the processor and capable of communicatively coupling the player unit to a computer system (col. 7, line 50-53, lines 66-67, col. 8, lines 1-36);

A data storage drive communicatively coupled to the processor and capable of transferring data between the player unit and a removable data storage medium (col. 7, lines 12-15);

A first application program residing in the player unit and accessible by the processor, the application program comprising one or more sequences of instructions for uniquely marking a media file (fig. 2, # 71, col. 7, lines 42-49), the one or more sequences of instruction causing the processor to perform a number of acts:

Receiving a media file (col. 10, lines 18-20); retrieving the first identifier from the non-volatile memory, appending the first identifier onto the media file (col. 11, lines 1-10), and storing the appended media file in the removable data storage medium (col. 11, lines 35-38);

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A second application program residing in the player unit and accessible by the processor (fig. 2, #71), the application program comprising one or more sequences of instructions for delivering a message file (col. 9, lines 38-47), the one or more sequences of instruction causing the processor to perform a number of acts, said acts comprising:

Receiving a media file with a second identifier; comparing the second identifier to the first identifier (col. 11, lines 1-18);

Retrieving a message file from the non-volatile memory and producing a message output from the message file if the second identifier does not correspond to the identifier and producing a media output from the media file (col. 9, lines 27-37).

Claim 24 is rejected by the same rationale as states in independent claim 23 argument.

As per claims 25-27, Berry teaches the identifier comprises a derivative of an electronic serial number of a player unit, receiving a media identifier that uniquely identifies the media file, the media identifier is derived from an industry standard number encoded on the media file (col. 11, lines 18-37).

Conclusion

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service